IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.381 OF 1995

1) Shri Pramod Shripad Waikar)
aged 51 years, Occ.: Lecturer)
residing at 4776/A, Near School)
No.2, Brahampuri Miraj 416 410)
District : Sangli.)

2) Shri Shrinivas Anant Angalekar)
aged 45 years, Occ.: Lecturer)
R/o. 5 Prajakt Sahayog Nagar)
Vishrambag, Sangli 416 415.)

3) Shri Gopal Manajirao Gavali)
aged 59 years, Occ.: Lecturer)
R/o. 2753, Shanivarpeth, Near)
Nagkatta Miraj 416 410)
District : Sangli.)

4) Shri Mohan Krishna Shirahatti)
aged 55 years, Occ.: Lecturer)
R/o. 23 Krishna Leela, Adarsh)
Society, Pandharpur Road)
Miraj 416 410.).. PETITIONERS

VERSUS

1) State of Maharashtra)
through the Secretary)
Education and Employment Department)
having his office at Mantralaya)
Bombay 400 032.)

2) The Principal)
Walchand College of Engineering)
Vishrambag. Sangli.).. RESPONDENTS

Mr.N.V.Bandiwadekar for the Petitioners.
Mr.S.R.Nargolkar, Assistant Government Pleader,
for Respondent No.1.
None present for Respondent No.2.

CORAM: V.G. PALSHIKAR AND SMT.NISHITA MHATRE, JJ.

DATED: 31ST JANUARY 2005

ORAL JUDGMENT : (PER MHATRE, J.)

. By this Petition, the Petitioners have claimed

that they are entitled to be placed in the selection grade after taking into consideration their past services rendered by them with Respondent No.2 in the post of Assistant Lecturer. They have also claimed that all consequential service benefits, including arrears of salary, allowances, seniority, promotions, etc. be granted to them.

2. The Petitioners were appointed as Assistant Lecturers with Respondent No.2 College on various dates from the year 1966 upto 1973 when Petitioner No.2 was promoted. A Government Resolution was issued on 2nd April 1979 upgrading the posts of Assistant Lecturers in Engineering Colleges and Polytechnics in the State to the post of Lecturers. Accordingly, Petitioner Nos.1, 2 and 4 were upgraded to the post of Lecturers with effect from 1st April 1979. Petitioner No.3 was promoted to the post of Lecturer on 6th May 1985 on passing the Mechanical Engineering (Civil) examination. By a Government Resolution dated 30th November 1980 regarding revision of pay scales payable to Lecturers, the duties and responsibilities of Assistant Lecturers and Lecturers were considered to be same and, therefore, the pay was directed to be fixed accordingly after upgradation. Another Government Resolution was issued on 23rd March 1990 with respect to revision of pay scales of teachers in Government/Non-Government Engineering Colleges and Technical Institutions. This Government Resolution was issued pursuant to the

recommendations made by the National Expert Committee set up by the Government of India for implementation of recommendations made by the Fourth Pay Commission. The Petitioners contend that under Clause 8(c) of the Government Resolution dated 23rd March 1990, existing Lecturers who have completed a total period of sixteen years in service on 1st January 1986 were eligible for being placed in the selection grade of Rs.3700-5700. The Petitioners contend that all of them have completed the requisite number of years and, therefore, are entitled to be placed in the selection grade. Petitioner Nos.1 and 4 were placed in the senior scale on 27th May 1993 by Respondent No.2, which is not the same as being placed in the selection grade. Aggrieved by this decision of Respondent No.2 to ignore the Government Resolution of 23rd March 1990 by not giving the Petitioners the selection grade, the Petitioners have approached this Court under Article 226 of the Constitution of India.

3. A perusal of the Government Resolution of 23rd March 1990 indicates that existing Lecturers who had completed or would complete a total period of sixteen years in service on 1st January 1986 or thereafter would be eligible for placement in the selection grade. There is no dispute that the Petitioners have all completed sixteen years in service, first as Assistant Lecturers and then as Lecturers after their post was upgraded. A dispute has arisen because of the interpretation placed

by the Respondents on paragraph 8(c) of the Resolution. The Respondents contend that it is only the period when the Petitioners were functioning as Lecturers which will have to be considered for being eligible for placement in the selection grade.

4. There is no affidavit filed by Respondent No.2 nor has anybody appeared on their behalf before us. We have, with the assistance of the Advocate for the Petitioners and the learned Assistant Government Pleader, perused the Government Resolution. We do not see any reason to deny the Petitioners the benefits of the Government Resolution of 1990. Paragraph 8(c) stipulates that once a Lecturer completes a total period of sixteen years in service on 1st January 1986, he would be eligible for placement in the selection grade. Thus, the Petitioners who have admittedly completed the requisite number of years would be entitled to the selection grade as sought by them. The Petitioners would also be entitled to any consequential reliefs and further increases made in view of the recommendations of the Fifth Pay Commission.

5. Petition accordingly allowed. Rule made absolute. No order as to costs.

(V.G.PALSHIKAR, J.)

(SMT.NISHITA MHATRE, J.)